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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,878

04/21/2006

Yasushi Ogino

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38327

7590

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REED SMITH LLP

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EXAMINER

AHMED, SHEEBA

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,878	<b>Applicant(s)</b> OGINO ET AL.	
	<b>Examiner</b> SHEEBA AHMED	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4,5,7-10,12 and 14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,5,7-10,12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/21/06</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II, claims 4, 5, 7, 8, 9, 10, 12, and 14 in the reply filed on March 20, 2008 is acknowledged. Claims 1-3 are withdrawn and claims 6, 11, and 13 are cancelled. Claims 4, 5, 7, 8, 9, 10, 12, and 14 are now under consideration.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4, 5, 7, 8, 9, 10, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Obha et al. (US 6,605,344 B1).

Obha et al. disclose a gas-barrier film which is produced through applying a layer containing a metallic compound to a surface of a processed-polymer layer produced from a mixture of a polyalcohol and at least one poly(meth)acrylic polymer selected from the group consisting of poly(meth)acrylic acids and partially neutralized poly(meth)acrylic acids. The gas-barrier film may be laminated with a plastic film (See Abstract). A metallic-compound-containing layer which is applied to the surface of a polymer layer may be a layer containing a metallic compound alone, or a layer containing a resin in which a metallic compound is mixed or dispersed (hereinafter the

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layer will be referred to as "layer of a mixture of metallic compound and resin"). A gas-barrier film in which the surface of the polymer layer to which the metallic-compound-containing layer is not applied is fixed onto a substrate layer is also disclosed. The process for forming a polymer layer from the above-prepared composition is not particularly limited. For example, a polymer layer is obtained through any of the following processes: a solution-cast process in which an aqueous solution of a polymer mixture is applied onto a support (substrate) and dried to form a film; an extrusion process in which an aqueous solution containing a polymer mixture at high concentration is cast through a tiny space by use of an extruder under ejection pressure, and the resultant water-containing film is dried on a rotary drum or belt; and a process in which an aqueous solution containing a polymer mixture at high concentration is applied onto a plastic film, and the film is stretched under heating. A layer constituted solely by a metallic compound or a layer of a mixture of metallic compound and resin, serving as a metallic-compound-containing layer, is applied to the surface of a polymer layer which is fixed onto a substrate (See Column 2, lines 45-64 and Column 6, lines 27-40). All limitations of claims 4, 5, 7, 8, 9, 10, 12, and 14 are disclosed in the above reference.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEEBA AHMED whose telephone number is

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(571)272-1504. The examiner can normally be reached on Monday-Friday from 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sheeba Ahmed/  
Primary Examiner, Art Unit 1794